

## **REMARKS**

In response to the above-identified Office Action, Claims 1-15 are pending in the application.

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the remarks to clarify issues upon appeal.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

### **Claim Rejections**

The Examiner rejected claims 1-15 under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Gayman. Applicant respectfully disagrees with the rejection.

In the present invention, a system and method help deliver content from a central site to multiple remote sites in a digital media distributor environment. A method and system of synchronizing files between the central site and the plurality of remote sites are disclosed. The method includes providing a list of files to the plurality of remote sites by the central site, prior to a callback time of the remote sites and reporting which of the files are missing by each of the plurality of remote sites to the central site. The method further includes determining within the central site which of the files needs to be sent to each of the plurality of remote sites. (See independent claims 1 and 10.) The system described includes a file system synchronization

(FSS) helper application and an automated central site operations (ACSO) mechanism for transmitting the list of files. The system further includes a file system synchronization remote operating mechanism (FSS RSO) in at least one remote site, wherein the FSS RSO mechanism creates a group of files it will need based upon the transmitted list of files. (See independent claim 7.) Applicant respectfully submits that the present invention is not shown, taught or suggested by the cited art of Bell in view of Gayman.

With regard to the cited art of Bell, the Bell reference discusses a database synchronization system and method. As disclosed in Bell, the database synchronization synchronizes the content of a central database stored on a central computer with one or more remote databases stored on one or more remote computers. Within a data extract and transfer application on the remote computers is a migrator application that processes audit trail files of the remote computer to create a database of change in the remote computer. When the database of change exceeds a size threshold, the data extract and transfer application shuts down the migrator application, processes the database of change, and restarts the migrator application to begin creation of another database of change. The data and information in the database of change in the remote computer are converted into a series of flat files that are transferred from the remote computer to the central computer. (E.g., see Bell's abstract.)

In rejecting Applicant's invention, the Examiner points to Bell as teaching steps (b) and (c) of recited independent claims 1 and 10. Namely, Bell is cited for teaching the reporting of which of the files are missing by each of the plurality of remote sites to the central site and determining within the central site which of the files needs to be sent to each of the plurality of remote sites. The Examiner admits that Bell does not explicitly disclose step (a), providing a list of files to the plurality of remote sites by a central site prior to a callback time of the remote site.

However, the Examiner asserts that Gayman discloses providing a cyclic multicasting of an image file from a central data provider (server) to one or more client machines (workstations) over a computer network and that it would have been obvious to modify the combined teachings of Bell and Gayman with steps of providing a list of files to the plurality of remote sites by the central site prior to a callback time of the remote site. Applicant respectfully disagrees.

The Examiner contends that Bell's use of the audit trail for rollback of the database to a stable point following corruption of the database is readable on the recited reporting of which of the files are missing by each of the plurality of remote sites to the central site. Applicant fails to see how the use of the audit trail formed within the remote computer for database rollback by the remote computer in Bell teaches or suggests any form of reporting by a remote site to a central site. The act of rollback occurs solely within the remote computer based upon the audit trail contained solely within the remote computer. Applicant respectfully submits that such teaching wholly fails to read on or remotely suggest the recited reporting of which of the files are missing by each of the plurality of remote sites to the central site prior to a callback time of the remote sites.

Additionally, without teaching the reporting of missing files by a remote site to a central site, Applicant respectfully submits that there can be nothing to teach or suggest a determination in the central site of which files are needed in the remote site. While the Examiner points to the transfer of data from the database of change in the remote computer to the central computer as reading on the determination of missing files and the creation of a group of files a remote site will need, there is nothing to teach or suggest that the database of change indicates needed data in the remote computer. Rather, as indicated by its name, the database of change indicates changes to the database that occur in the remote computer: "Database of change 28 is a record of all the

updates, additions, or deletions made to the databases on the storage devices 15 during the time period covered by the audit trail files 24 processed by the migrator application 26.” (col. 4, lines 21-24) The provision of the database of change from the remote computer to the central computer merely allows the central computer to be synchronized with changes. “To maintain the synchronization of the central database in central computer 16, database of change 28 of each of the remote computers 18 must be transmitted periodically to central computer 16.” (col. 4, lines 24-27) Applicant fails to see that there is any form of missing data in the remote computer, since the remote computer performs the tracking of any changes to its databases and subsequently reports such changes to the central computer. Thus, Applicant respectfully submits that there is nothing in Bell to teach or suggest a determination in a central site of which files are needed in a remote site.

In response to Applicant's position that Bell fails to teach or suggest "determining within the central site which of the files needs to be sent to each of the plurality of remote sites," the Examiner asserts "Bell discloses the task of creating flat files from the database of change can be distributed across these available resources (see col. 2, lines 38-48)." Applicant fails to see how this section of Bell is remotely relevant to "determining within the central site which of the files needs to be sent to each of the plurality of remote sites." In fact, the task of creating flat files, as referenced by the Examiner, is specifically taught as being "distributed across the CPUs and storage devices of the **remote computers**" (col. 2, lines 38-40, emphasis added). Applicant respectfully submits this cited act that occurs within the remote computer in Bell wholly fails to teach or suggest Applicant's recited step of determining within a central site. Further, Applicant respectfully reiterates that since the remote computer performs the tracking of any changes to its databases and subsequently reports such changes to the central computer, there isn't any form of

missing data in the remote computer, and thus there is nothing in Bell to teach or suggest a determination in a central site of which files are needed in a remote site.

In addition to these deficiencies of Bell, the Examiner admits that Bell does not disclose providing a list of files to the plurality of remote sites by a central site prior to a callback time of the remote site. While the Examiner considers Gayman's use of cyclic multicasting of an image file from a central data provider to one or more client machines as being combinable with Bell to teach providing a list of files to the plurality of remote sites by the central site prior to a callback time of the remote sites, Applicant respectfully disagrees.

The cited art of Gayman defines the image file being multicast as "an exemplary data file which consists of a single file containing the contents of an entire disk or an entire hard drive, or one or more partitions of the disk or hard drive." (col. 3, lines 15-19) Applicant fails to see how a single file containing the entire contents of a disk or hard drive teaches or suggests a list of files. Further, the provision of the entire contents of a hard drive precludes the possibility that there would be missing files to be reported and/or a determination of the files that need to be sent. Thus, Applicant respectfully submits that the cyclic multicasting of an image file in Gayman does not combine with Bell in a manner that results in any teaching or suggestion of the recited step of providing a list of files to the plurality of remote sites by the central site prior to a callback time of the remote sites.

Further, the Examiner's response to these arguments merely reiterates the rejection assertion that it would have been obvious to modify the teachings of Bell and Gayman and that such modification "would allow the teachings of Bell and Gayman to provide a cyclic multicasting of an image file from a central data provider (server) to one or more client machines (workstations) over a computer network with minimum network transmission while allowing any

number of client machines (workstations) to download the image file at any time without the need to synchronize with the beginning of the file transmission of the central data provider (server)." Applicant still respectfully fails to see how this teaches or suggests providing a list of files to the plurality of remote sites by the central site prior to a callback time of the remote sites. In addition, Bell is cited for teaching that flat files from the database of change are sent from a remote system to a central system, and Gayman is cited for teaching cyclic multicasting from a central data provider to one or more client machines. Applicant respectfully submits that there is nothing to teach or suggest how these activities, which address data provision in wholly opposite direction considerations, could or would be combined to achieve the provision/transmission of data from a central site to a remote site prior to callback of the remote site, as recited by the Applicant.

In view of the foregoing, Applicant respectfully submits that Bell, even when taken with Gayman, wholly fails to teach, show, or suggest the present invention as recited in independent claims 1 and 10. Further, claims 2-6 and 11-15 depend directly or indirectly on independent claims 1 and 10, respectively. Therefore, Applicant respectfully submits that these claims, by including the features of an independent claim while adding further features, are not taught, shown, or suggested by the cited art for at least those reasons stated hereinabove.

Further, with regard to independent claim 7, the Examiner cites Bell for disclosing the recited central site including a file system synchronization (FSS) helper application and an automated central site operations (ACSO) mechanism for transmitting the list of files. Applicant fails to see how Bell teaches or suggests the recited central site that includes a mechanism for transmitting the list of files, as the Examiner has admitted that that Bell does not disclose providing a list of files by a central site prior to a callback time of the remote sites. For this and

the foregoing reasons regarding Bell's and/or Gayman's inadequacies, Applicant respectfully submits that claim 7 is not taught, shown, or suggested by the cited art. Applicant further respectfully submits that claims 8-9, which depend directly or indirectly on claim 7, are allowable for at least the same reasons as claim 7.

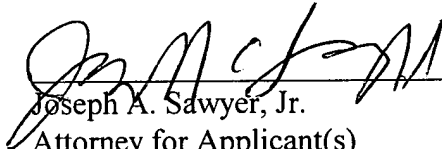
Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-15 under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

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Date

  
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Joseph A. Sawyer, Jr.  
Attorney for Applicant(s)  
Reg. No. 30,801  
(650) 493-4540